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LETTER DATED 22 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the Basic Principles for Determining the Political Status of Abkhazia within the New State Constitution of Georgia, proposed by the Government of Georgia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

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Annex

[Original: Russian]

Basic principles for determining the status of Abkhazia within the new State structure of Georgia

It is now almost six years since the end of the fratricidal armed conflict in Abkhazia, one of the regions of Georgia.

The settlement of the conflict in Abkhazia, Georgia, is one of the most significant problems, both from the political and from the humanitarian standpoint.

The failure to settle the conflict has caused a human tragedy for over 300,000 peaceful civilians, mostly Georgians, who have been forced to flee the region. It has left a bloody wound and created a source of tension within Georgia and beyond its borders.

We reiterate that the solution to this highly complex problem can be achieved only if every opportunity for political, socio-economic and cultural development is afforded to Abkhazia, with the Georgian State as guarantor.

In defining the status of Abkhazia, Georgia proceeds from the following basic principles:

(a) The inviolability of the territorial integrity of Georgia within the internationally recognized borders existing as at 21 December 1991;

(b) The inviolability of the territorial integrity of Abkhazia within the borders of the former Abkhaz Autonomous Republic as part of the Georgian Soviet Socialist Republic as at 21 December 1992;

(c) Recognition of Abkhazia's right to exercise its competence within the federation as a component of the federal State of Georgia;

(d) Institutional incorporation - in the Constitution of the Republic of Abkhazia and in the Constitution of Georgia - of the right of the Abkhaz people to develop their culture and long-standing traditions, and to integrate historical elements into the political and social life of the people, with full respect and guarantees for the human rights and freedoms of the entire multi-ethnic population of Abkhazia, and with the guarantee of active participation by its representatives in the work of the federal organs of power.

On the basis of the foregoing considerations on the status of Abkhazia, the following principles are proposed:

1. Abkhazia is one of the components of a federation established in Georgia, and enjoys the supreme status of a territorial and State entity.

2. The Republic of Abkhazia shall independently exercise legislative, executive and judicial powers in areas defined by the Constitution of the federal State (Georgia), by the Constitution of the Republic of Abkhazia and by

the agreement delimiting the domains of competence between the organs of power of the federal State and the organs of power of the Republic of Abkhazia. The agreement shall be in the form of a constitutional Statute and shall have supreme juridical force after the Constitution of the federal State.

3. The Republic of Abkhazia shall enjoy the following sovereign rights:

(a) It shall adopt and amend the Constitution of the Republic of Abkhazia provided that this does not contravene the principles and norms of the Constitution of the federal State and the aforementioned statutory agreement;

(b) It shall define the structure and organization of the legislative organ of the Republic of Abkhazia;

(c) It shall determine the Republic's form of government, the structure of the State and the modalities of their creation;

(d) It shall establish the Republic's judicial system - ordinary courts, supreme court, constitutional court and office of the procurator - provided that the Federation's Supreme Court, Constitutional Court and Office of the Procurator remain supreme.

(e) It shall determine the State symbols of the Republic of Abkhazia;

(f) It shall determine the size of the Republic's budget, as well as revenue and expenditure;

(g) It shall engage in foreign relations and shall participate in international and regional organs and organizations;

(h) It shall manage the State property of the Republic;

(i) It shall settle questions of nationality of the Republic;

(j) It shall settle questions relating to social policy, education, science, culture, physical education, sports and tourism;

(k) It shall establish, and determine the modalities for establishing, the Republic's police agencies and for internal affairs agencies at various levels to ensure law and order;

(l) Within the Republic, it shall be responsible for telecommunications, radio, television and transport;

(m) It shall take measures to protect the environment.

4. The federal State shall enjoy the following sovereign rights:

(a) It shall adopt and amend the federal Constitution;

(b) It shall enact legislation and enforce laws and other legislative instruments of the federal State;

(c) It shall establish the supreme organs of the federal State - legislative, executive and judicial - and shall establish the modalities for their organization and activities;

(d) It shall be responsible for the structure of the federal State;

(e) It shall determine the status and regime of national borders and shall be responsible for protecting them; it shall also determine the status of and provide protection for territorial waters, airspace, the continental shelf and the exclusive economic zone;

(f) It shall enact legislation to protect human rights and fundamental freedoms. It shall monitor implementation of internal legislation and international legal obligations;

(g) It shall enact legislation regarding nationality of the federal State, and determine the conditions for the acquisition or loss of nationality, travel to and from the federal State, and the status of foreigners and stateless persons;

(h) It shall be responsible for the federal budget, the monetary and financial system, the issue of currency, federal banks, customs, customs duties and other duties;

(i) It shall be responsible for defence, the armed forces and the security of the federal State.

The unified armed forces of the federal State may be of a territorial nature in the territory of Abkhazia. Conscripts may serve in the territory of the Republic.

The unified frontier guards of the federal State may be established on a territorial basis like the armed forces, provided they are under the strict supervision and control of the federal authorities;

(j) The federal State shall be responsible for foreign policy and international relations, diplomatic and consular services, international agreements, and membership in inter-State and international organs and organizations;

(k) It shall be responsible for transregional and international telecommunications, national radio and television, and postal services;

(l) It shall regulate the transit of oil and gas pipelines;

(m) It shall enact legislation to protect and monitor the environment;

(n) It shall enact criminal, civil and procedural laws, and legislation regarding the earth, the subsoil and natural resources.

5. The constitutional Statute (agreement) formalizing these arrangements are not subject to unilateral modification or revocation in whole or in part.